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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ward

Examiner: Kim

Serial No.: 10/768,263

Group Art Unit: 3752

Filed January 30, 2004

For: Mechanically Sealed Adjustable Gas Nozzle

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Applicant received the Notification of Non-Compliant Appeal Brief dated March 13, 2008. Specifically, the Brief was identified to not contain the proper heading of "Related Proceedings Appendix" and the Brief did not contain the status of claims on appeal.

Page 2 of the Appeal Brief has been amended from "status of the claims" to "status of claims on appeal." The modifier: "Rejected" was placed in front of all pending claims unless identified as canceled.

"Related Proceedings Appendix" provided herewith is provided to replace the "Prior Board Decisions" Appendix.

This is believed to be a complete response to the Notification of Non-Compliant Appeal Brief and the Appeal Brief is now believed to be in proper format for substantive examination.

The Notification has advised that only affected pages of the Brief need to be resubmitted which is what is being provided.

### **C. Status of Claims on Appeal**

At the time of the final Office Action, claims 1-3, 5-9, 11-14 and 16-20 were pending in the application. The application was initially filed with 16 claims. Claims 1 and 7 were amended on February 22, 2005. Claim 1 was amended again on August 18, 2005. Claims 1 and 6 were amended on January 31, 2006. Claim 1 was amended on June 29, 2006 with the filing of a Request for Continued Examination. Claims 1, 5, 7 11 and 16 were amended with an Amendment and Response filed November 27, 2006. New claims 17-20 were also presented at that time. Claim 1 was amended with a response filed August 2, 2007. Claim 1 was once again amended on October 8, 2007 with the filing of a Second Request for Continued Examination and claims 4, 10 and 15 were cancelled with that amendment. Claim 1 was amended with a response filed January 28, 2007 which reflects how the claims of this application now stand.

A copy of the rejected claims subject to this appeal appears in Appendix A.

### **D. Status of Amendments**


No proposed amendments have been proposed or entered after final.

### **E. Summary of Invention reflecting at least the Independent Claims**

Most generally, the present invention provided by Claim 1 relates to an adjustable gas nozzle **10** having a conduit for receiving gas from a source, a nozzle body member **14** for supplying a jet of gas to the burner section of an appliance, and a flow adjusting member **16**. (Page 4, lines 5-8). The nozzle body member **14** has an elongated gas passageway with a threaded inlet opening at a first end **22** (Page 4, lines 9-10) and a coaxial outlet **28** at a second end. (Page 4, line 12). The conduit **12** is theadedly connected to the nozzle body member **14**. (Page 6, lines 18-19).

Respectfully submitted,

MILLER & MARTIN PLLC



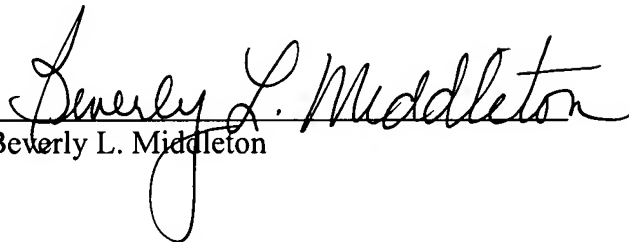
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## CERTIFICATE OF MAILING

I hereby certify that the preceding Appeal Brief on Appeal is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

On this 20 day of March, 2008.

  
Beverly L. Middleton

## APPENDIX A

1. (Rejected) An adjustable gas nozzle comprising, in combination:
  - a nozzle body member having an elongated passageway therethrough with an inlet opening at a first end and an outlet at a second end;
  - a conduit connected to the nozzle body member;
  - an adjusting member disposed intermediate the conduit and the nozzle body member and having a first end with a first restricted orifice disposed proximate to the second end of the nozzle body member, and a second end having a second orifice, said first and second ends having a first passageway intermediate thereto providing fluid communication intermediate the first restricted orifice and the second orifice;
  - a coupling between said conduit and said nozzle body member to permit first and second alternative positions therebetween;
  - a by-pass passageway around the first passageway of the adjusting member and said first restricted orifice;
  - cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice and second orifice in series so that gas flow rate is regulated by said first restricted orifice;
  - cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;
  - said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member

to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway wherein flow through the by-pass passageway does not flow through the first passageway; and

a seal distinct of the coupling provided between said conduit and said nozzle body member and integral to the conduit precluding leakage of gas therebetween in both the first and second positions.

2. (Rejected) An adjustable gas nozzle as recited in claim 1, wherein said seal comprises ribs on said conduit.

3. (Rejected) An adjustable gas nozzle as recited in claim 1, wherein the material of one of said conduit and body member is harder than the other.

4. Canceled

5. (Rejected) An adjustable gas nozzle as recited in claim 3, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

6. (Rejected) An adjustable gas nozzle as recited in claim 1, wherein said restricted orifices and said outlet are coaxial, and said first restricted orifice is smaller than the outlet of said nozzle body member.

7. (Rejected) An adjustable gas nozzle as recited in claim 1, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and

a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the first restricted orifice of said adjusting member and positionable on said annular shoulder, the space between adjacent legs providing the by-pass passageway for gas flow therebetween when said cooperative surfaces are not engaged.

8. (Rejected) An adjustable gas nozzle as recited in claim 7, wherein said seal comprises ribs on the conduit.

9. (Rejected) An adjustable gas nozzle as recited in claim 7, wherein the material of one of said conduit and body member is harder than the other.

10. Canceled

11. (Rejected) An adjustable gas nozzle as recited in claim 9, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

12. (Rejected) An adjustable gas nozzle as recited in claim 6, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and



a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the outlet of said adjusting member and positionable on said shoulder, the space between adjacent legs providing a passageway for gas flow therebetween when said cooperative surfaces are not engaged.

13. (Rejected) An adjustable gas nozzle as recited in claim 12, wherein said seal comprises ribs on the conduit.

14. (Rejected) An adjustable gas nozzle as recited in claim 13, wherein the material of one of said conduit and body member is harder than the other.

15. Canceled

16. (Rejected) An adjustable gas nozzle as recited in claim 14, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

17. (Rejected) An adjustable gas nozzle comprising, in combination:  
a nozzle body member having an elongated passageway therethrough with an inlet opening at a first end and an outlet at a second end;  
a conduit connected to the nozzle body member;  
an adjustment member disposed intermediate the conduit and the nozzle body member and having a first non-adjustable restricted orifice at the end of the adjustment member proximate to the second end of the nozzle body member;

a coupling between said conduit and said body member to permit first and second alternative positions therebetween;

a by-pass passageway around the adjusting member and said first restricted orifice;

cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice so that gas flow rate is regulated by said first restricted orifice;

cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;

said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway; and

an integral seal distinct from the coupling provided between said conduit and said nozzle body member to preclude leakage of gas therebetween in both the first and second positions.

18. (Rejected) An adjustable gas nozzle as recited in claim 17, wherein said seal comprises ribs on said conduit.

19. (Rejected) An adjustable gas nozzle as recited in claim 18, wherein the material of one of said conduit and body member is harder than the other.

20. (Rejected) An adjustable gas nozzle as recited in claim 19, wherein said conduit has an end and said seal is disposed intermediate the coupling and the end of the conduit.

## **APPENDIX C: RELATED PROCEEDINGS APPENDIX**

None